

2010-11 John R. Justice State Loan Repayment Program (JRJ-SLRP)

Program Overview

The John R. Justice Program was established to help recruit and retain prosecutors and public defenders. Due to educational debt, some attorneys forego these public-interest law positions for more lucrative opportunities in the private sector. This can lead to attorney shortages in public and non-profit agencies that perform prosecutorial or public-defender functions.

The Higher Education Coordinating Board (HECB) administers the John R. Justice Program for the state of Washington.

Awards

The maximum award for FY 2010-11 under the John R. Justice State Loan Repayment Program (JRJSLRP) in Washington State is \$8,905. The award amount may not exceed a beneficiary's educational debt.

For FY 2101-11, program funds totaling \$160,290 will be equally distributed between prosecutors and public defenders.

Award proceeds will be paid quarterly to the holder(s) of the loan(s) to be repaid. Late payments, fees, or other amounts assessed by the lender are the beneficiary's responsibility. The HECB takes no responsibility for ensuring that the beneficiary's loans are paid.

Applicant Eligibility

A qualified applicant must be an attorney continually licensed to practice law and must be:

- A full-time employee of the state of Washington or unit of local government (including tribal government) who prosecutes criminal or juvenile delinquency cases at the state or unit of local government level, including supervision, education, or training of other persons prosecuting such cases; or
- A full-time employee of the state of Washington or unit of local government (including tribal government) who provides legal representation to indigent persons in criminal or juvenile delinquency cases including supervision, education, or training of other persons providing such representation; or
- A full-time employee of a nonprofit organization operating under a contract with Washington or unit of local government who devotes substantially the entire employee's full-time employment to providing legal representation to indigent persons in criminal or juvenile cases including supervision, education, or training of other persons providing such representation; or
- A full-time federal defender attorney in a defender organization in Washington pursuant to Subsection (g) of section 3006A of Title 18, United States Code that provides legal representation to indigent persons in criminal or juvenile delinquency cases.
- A qualified attorney who has accepted an offer of employment in any of the above categories.

Applicants also must:

- Have an outstanding balance on an eligible educational loan;
- Not be in default on repayment of any federal student loans; and
- Make a commitment to a three-year service agreement that begins on the date the beneficiary signs the Service Agreement.

Prosecutors who are employees of the federal government are not eligible. Attorneys who are in private practice and are not fulltime employees of non-profit organizations—even if under contract with the state of Washington or appointed by a court to provide public defense services—are not qualified applicants.

Eligible and Non-Eligible Loans

Eligible Educational Loans include:

- Federal Stafford Loans;
- Federal Graduate PLUS Loans;
- Federal Consolidation Loans; and
- Federal Perkins Loans.

Non-eligible loans include:

- Federal Parent PLUS Loans;
- Federal Consolidation Loans used to repay Federal Parent PLUS Loans;
- Any eligible loans that have been paid in full; and
- Non-federal student loans.

Consolidated loans (With a Spouse)

Attorneys who consolidate their qualifying loans with a spouse's loans need to provide documentation showing the dollar amount of the loans each party held at the time of consolidation. HECB will establish the portion of the loan balance eligible for repayment based on the percentage attributable to the attorney requesting participation.

Two key pieces of information to determine the loan amount eligible for repayment: The individual loan balances (JRJ beneficiary and spouse) at the time of consolidation, and the amount of principal paid between consolidation and entry into the program. For example, the JRJ beneficiary's loan balance was \$90,000 at the time of consolidation (or 60% of the consolidated debt). Since consolidation, they have paid \$14,451.98 in principal payments. Accordingly, 60% of the principal payment is attributable to the JRJ beneficiary's debt. So the JRJ beneficiary's debt balance is \$81,219.21. Payments paid on the principal only will be considered—not payments on the interest.

Application Processing

All applicants must complete, sign, and mail an application packet, Service Agreement, and documentation concerning the applicant's eligible educational loan debt obligations by the deadline. By signing the application, the applicant agrees to the requirements and provisions of the program. By signing the Service Agreement, the applicant acknowledges the program requires a three-year service commitment and that the benefit is in the form of a loan that must be repaid if the service commitment and all other stipulations are not fulfilled. If the application or Service Agreement is incomplete, HECB will attempt to notify the applicant and provide an opportunity to furnish the missing information. Consideration for the benefit is given only if all documents are complete and received in HECB office prior application deadline. Applications received after the published date of awarding will be considered only if funds remain available.

The application will require the applicant's employer (or future employer in the case of recruited attorneys) to certify the following:

- The employer is an eligible employing entity under the John R. Justice Prosecutors and Defenders Incentive Act;
- The attorney seeking benefits meets the definition of "prosecutor" or "public defender" under the Act; and
- The employer verifies employment (or an accepted offer of employment in the case of a recruited attorney) for the individual who seeks repayment benefits.

Selection of Beneficiary

The total amount of awards each year will be contingent upon available funding. In the initial year of the program, beneficiaries will be selected from among qualified new applicants who have submitted all required application materials. HECB may request additional documentation to verify data reported on the application.

In future years, priority consideration will be given to applicants who file renewal applications by the published due date, and have complied with the requirements to receive an award. Remaining money will be awarded to qualified new applicants.

The separate pools of prosecutor and public defender applicants will be divided based on which of the state's three appellate court districts applicants reside in. Benefits to individual applicants within the three appellate districts will be awarded based on a formula that ranks each applicant according to the applicant's "ability to pay" his/her student loans. Awards will then be made to individuals, starting with those determined least able to pay in rank order. Those not receiving benefits under another program that provides loan repayment assistance for eligible educational loans will be considered before those receiving such benefits. Once all the money allocated for a particular district has been exhausted on prosecutor and defender ranking lists, the awards for that district will cease. In the event that the number of applicants from a particular district is insufficient to exhaust the funds, then the remaining dollars in that district's allocation will be awarded to the highest-ranked individuals (ensuring the prosecutor/defender allocated funds remain in balance) who were not funded in other appellate districts.

Repayment

In the event a beneficiary voluntarily leaves his/her position as an eligible beneficiary, or if the beneficiary is involuntarily separated for misconduct or unacceptable performance before completing the agreed upon period of service, he/she must reimburse the Department of Justice for the full amount of any student loan repayments made on his/her behalf under the Service Agreement. The Federal government may use whatever methods the law allows to recover the amount owed.

Other Information

A beneficiary must continue to make his or her regular student loan payments as required. A beneficiary must respond to any notifications from the HECB and must notify HECB of changes to his or her address, employment status or loan status (default) within ten (10) days of the change.

HECB routinely updates its Web site as new program information becomes available. Check www.hecb.wa.gov or email rochellew@hecb.wa.gov periodically for the current processing status.